

DOW, LOHNES & ALBERTSON, PLLC

ATTORNEYS AT LAW

James M. Burger

Direct Dial 202-776-2300

jburger@dowlo
nes.com

WASHINGTON, D.C.

FACSIMILE 202-776-4300

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802
www.dowlohn.com

October 21, 2004

BY ELECTRONIC FILING

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

**Re: Notification of *Ex Parte* Communication
MB Docket No. 04-63**

Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that on Tuesday, October 25, 2004, I sent the enclosed NFL-TiVo, Inc. press release to the Federal Communications Commission staff listed on Attachment A and briefly summarized the press release in a telephone conference the same day with Susan Mort of the Media Bureau.

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for the above-referenced docket.

Very truly yours,



James M. Burger

cc: Susan Mort

ATTACHMENT A

Rick Chessen
Amy Nathan
Allison Greenwald
Jeffrey Neumann
Steven A. Broecker
Michael Lance



FOR IMMEDIATE RELEASE

Contacts: Jessica VanPernis
TiVo Inc.
(408) 519-9220
jvanpernis@tivo.com

Brian McCarthy
NFL
(212) 450-2069
McCarthyB@NFL.com

**NFL & TIVO AGREE TO WORK TOGETHER TO PROTECT CONTENT AND
ALLOW CONSUMERS TO REMOTELY ACCESS BROADCAST
PROGRAMMING THEY RECORD**

NEW YORK and SAN JOSE, CA – Oct. 26, 2004 – The National Football League and TiVo (NASDAQ: TIVO), the creator of and a leader in television services for digital video recorders (DVRs), announced today that they have reached an understanding addressing concerns the NFL expressed in FCC proceedings regarding a potential new TiVo feature that would give consumers the capability to remotely access broadcast programming that they record.

The agreement represents an important milestone in the industry effort to ensure broadband content protection while advancing the interests of consumers.

Prior to the FCC's approval in July 2004 of TiVo's application for certification of the company's new TiVoGuard Digital Output Protection Technology, the NFL had expressed concerns to both the Federal Communications Commission and TiVo regarding piracy, misuse, and real-time transmission of live NFL games to users in remote locations outside the local television market of the subscriber.

After extensive discussions with TiVo, the NFL agreed that enhancing the ability of individual TiVo subscribers to access their own recorded programming remotely from properties, such as vacation homes owned by those subscribers, is both in the public interest and is a positive advance in technology that should be encouraged. TiVo agreed that it would deploy new technology in a way that accommodates the NFL's core concerns about real-time signal misuse.

Under their agreement, the NFL and TiVo will work together to protect live NFL games against real-time retransmission outside of the subscriber's local television market while providing consumers with the ability to remotely access their own recorded broadcast

programming after its initial airing. The NFL will also work with TiVo to develop unique NFL content for TiVo to provide to its subscribers.

The two companies also will consult on future technology to ensure that it continues to address the NFL's concerns, including remote access in commercial locations and by persons other than TiVo subscribers' families and normal circles of social acquaintances. After detailed discussions with TiVo, the NFL now concurs that TiVo's current technology will not allow real-time transmissions that would be a cause of concern for the NFL.

"It is critical that we balance our interest in innovation and adding new capabilities to our service with a profound respect for intellectual property rights, which is why we've invested so much effort in developing a technology that allows us to do both," said Marty Yudkovitz, TiVo President. "We're thrilled to be working with the NFL to demonstrate to consumers and the industry what can happen when you combine innovation, collaboration and some cool technology."

"TiVo remote access technology represents an important step in allowing consumers to watch programs that they miss, even if they are away from home," said Steve Bornstein, NFL Executive Vice President of Media and President and CEO of NFL Network. "We are pleased TiVo has agreed to deploy the technology in a way that will not permit the real time signal piracy that the NFL has always viewed with great concern."

About TiVo Inc.

Founded in 1997, TiVo (NASDAQ: TIVO), a pioneer in home entertainment, created a brand new category of products with the development of the first digital video recorder (DVR). Today, the Company continues to revolutionize the way consumers watch and access home entertainment by making TiVo the focal point of the digital living room, a center for sharing and experiencing television, music, photos and other content. TiVo connects consumers to the digital entertainment they want, where and when they want it. The Company is based in Alviso, California.

TiVo and the TiVo Logo are registered trademarks of TiVo Inc. in the United States and other jurisdictions. All rights reserved.

This release contains certain forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These statements relate to, among other things, TiVo's business, services, business development, strategy, subscriptions, and future earnings and financial results. Forward-looking statements generally can be identified by the use of forward-looking terminology such as, "believe," "expect," "may," "will," "intend," "estimate," "continue," or similar expressions or the negative of those terms or expressions. Such statements involve risks and uncertainties, which could cause actual results to vary materially from those expressed in or indicated by the forward-looking statements. Factors that may cause actual results to differ materially include delays in development, competitive service offerings and lack of market acceptance, as well as the other potential factors described under "Factors That May Affect Future Operating Results" in the Company's public reports filed with the Securities and Exchange Commission, including the Company's Annual Report on Form 10-K for the fiscal year ended January 31, 2004, and the Quarterly Report on Form 10-Q for the quarter ended April 30, 2004. The Company cautions you not to place undue reliance on forward-looking statements, which reflect an analysis only and speak only as of the date hereof. TiVo disclaims any obligation to update these forward-looking statements.

###